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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,138,200 :
Issued: November 21, 2006 :
Application No. 09/665,899 :
Filed: September 20, 2000 :
Attorney Docket Number: 10517/74 :

This is a decision on the petition, filed November 13, 2006, under 37 CFR 1.182, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the front of the Patent.

The petition under 37 CFR 3.81 is **DISMISSED**.

Petitioner states that the correct assignee is TOYOTA JIDOSHA KABISHIKI KAISHA and that a second assignee was incorrectly included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that upon issuance the correct assignee be indicated on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

It is noted that when a request to issue a patent to an assignee, or as in this case to correct assignment information, filed after payment of the issue fee, a certificate of

¹ See Official Gazette of June 22, 2004

correction must be submitted as there is no time to process these requests before a patent is issued. See 69 Fed. Reg. 29865 (May 26, 2004).

The instant petition was filed after payment of the issue fee and prior to issuance but was not submitted with a request for a certificate of correction (and fee) as required by 3.81(b).

Furthermore, what is printed on the face of the patent is the information printed on the PTOL-85(b). Petitioner has not provided any information to show that TOYOTA JIDOSHA KABISHIKI KAISHA is the only assignee.

If petitioner would like to have a certificate of correction issued with the name of the assignee, a renewed petition under 37 CFR 3.81 with proof of the assignment (i.e. Reel and Frame Number where assignment was recorded) and the appropriate fees as required by 37 CFR §§ 1.323 and 3.81(b) will be required.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions